IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Charleston Allen, Plaintiff, v. Apple-J, L.P. and Apple Gold, Inc., Defendants.	)	C/A No. 3:10-1633-MBS **ORDER AND OPINION**

Plaintiff Charleston Allen ("Plaintiff") filed this action against his former employer, Apple-J, L.P. ("Apple J"), alleging race discrimination in violation of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. §§ 2000e-2000e-17. (ECF No. 1.) In an amended complaint filed on September 13, 2012, Plaintiff named Apple Gold, Inc. ("Apple Gold") as a defendant in the matter and asserted a cause of action against Apple Gold as a successor corporation to Apple J. (ECF No. 62.) Thereafter, on November 12, 2012, the parties filed a joint stipulation that the court would "decide the issue of whether Apple Gold is a successor employer and, if so, the scope of its liability after trial if there is a verdict for Plaintiff" on his claim for race discrimination. (ECF No. 88.)

On November 13, 2012 through November 15, 2012, the parties tried Plaintiff's race discrimination claim before a jury. (ECF Nos. 92, 100, 101.) On November 15, 2012, the jury returned a verdict for Apple J and Apple Gold on Plaintiff's claim for race discrimination. (ECF No. 104.) In accordance with the determination by the jury that Apple J and Apple Gold did not subject Plaintiff to race discrimination, the court dismisses with prejudice Plaintiff's remaining claim against Apple Gold for successor employer liability.

IT IS SO ORDERED.

/s/Margaret B. Seymour
MARGARET B. SEYMOUR
CHIEF UNITED STATES DISTRICT JUDGE

December 5, 2012
Columbia, South Carolina